

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Pamela Ellis

PLAINTIFF

VS

CIVIL ACTION NO. 3:03cv1355LN

Anthony J. Principi,
Secretary,
Department of Veterans Affairs,
Agency

DEFENDANT

COMPLAINT

COMES NOW, plaintiff, Pamela Ellis, pro se, and for cause of action against the defendant, Anthony J. Principi, Secretary, Department of Veteran Affairs, would state:

JURISDICTION

As explained in the most recent decision issued by the U.S. Equal Employment Opportunity Commission, Office of Federal Operations, regarding Appeal No. 01A33760, Agency Nos. 200L-0586-2002-10-1070 and 200L-0586-2002-10-2162, the plaintiff has the right to file a civil action in an appropriate United States District Court within ninety (90) calendar days from the date that she received their decision. The date of receipt was November 5, 2003 via U.S. mail.

The aforementioned decision further states that if the plaintiff decides to file a civil action, and does not have or cannot afford the services of an attorney, she may request that the court appoint an attorney to represent her and that the Court permit her to file the action without payment of fees, costs, or other security. *See* Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. §§ 791, 794 (c).

I

Plaintiff is an adult resident citizen of the County of Hinds, State of Mississippi.
The defendant Anthony J. Principi, Secretary, Department of Veterans Affairs, is an adult citizen.

FACTS

The plaintiff alleges that the Agency discriminated against her on the basis of reprisal for prior EEO activity. The plaintiff contends that the actual pattern of incidents noted in the original complaint in combination with the issues stated in the decision rendered constituted reprisal with discrimination. As a result, the plaintiff was subjected to intentional infliction of emotional distress.

RELIEF

Plaintiff is seeking relief in the amount of \$300,000 dollars from the court.

Respectfully submitted this the 18th day of December 2003.



Pamela Ellis

Pamela Ellis
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U.S. EQUAL OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 19848
Washington, D.C. 20036

Pamela Ellis,
Complainant,

v.

Anthony J. Principi,
Secretary,
Department of Veterans Affairs,
Agency.

Request No. 05A40008

Appeal No. 01A33760

Agency Nos. 200L-0586-2002-10-1070
200L-0586-2002-10-2162

Hearing No. 130-A3-3760X

DENIAL OF REQUEST FOR RECONSIDERATION

The Complainant initiated a request to the Equal Employment Opportunity Commission (EEOC or Commission) to reconsider the decision in *Pamela Ellis v. Dept. Of Veterans Affairs*, EEOC Appeal No. 01A33760 (September 15, 2003). EEOC Regulations provide that the Commission may, in its discretion, reconsider any previous Commission decision where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the agency. *See* 29 C.F.R. § 1614.405(b).

After a review of the Complainant's request for reconsideration, the previous decision, and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(b), and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 01A33760 remains the Commission's final decision. There is no further right of administrative appeal on the decision of the Commission on this request for reconsideration.

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0900)

This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United

States District Court within ninety (90) calendar days from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work.

RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. See Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791, 794(c). The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File a Civil Action").

FOR THE COMMISSION:

Carlton M. Hadden
Carlton M. Hadden, Director
Office of Federal Operations

NOV 03 2003

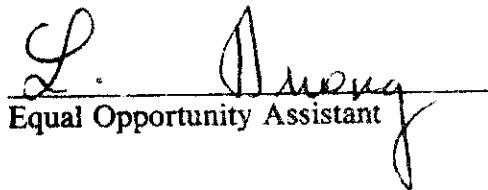
Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to complainant, complainant's representative (if applicable), and the agency on:

NOV 03 2003

Date


J. Murphy
Equal Opportunity Assistant